

Battle Creek City Planning Commission

Staff Report for January 27, 2010 meeting

To: Planning Commissioners

From: Christine M. Hilton, AICP, Planning Supervisor
Planning and Community Development Department

Subject: Petition S-01-10, a Special Use Permit request for 675 Riverside Drive

Summary

Petition S-01-10 from Brian F. & Sherrill F. Cotton, 675 Riverside Dr., Battle Creek, MI, 49015 requesting a Special Use Permit for the following described property for use as a Funeral Home as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(24):

SEC 24 T2S R8W BEG AT PT ON N & S 1/4 LI DIST S 00 DEG 34 MIN 30 SEC E LYING S 627.06 FT FROM N 1/4 POST - S 89 DEG 45 MIN 31 SEC 438.37 FT - S 00 DEG 34 MIN 30 SEC E 267 FT - N 89 DEG 45 MIN 31 SEC W 438.37 FT - N 00 DEG 34 MIN 30 SEC W 267 FT ALG N & S 1/4 LI TO POB, CONT 2.69 ACRES, SUBJ TO HWY EASE OVER W 50 FT.



**Subject parcel,
675 Riverside Dr.**

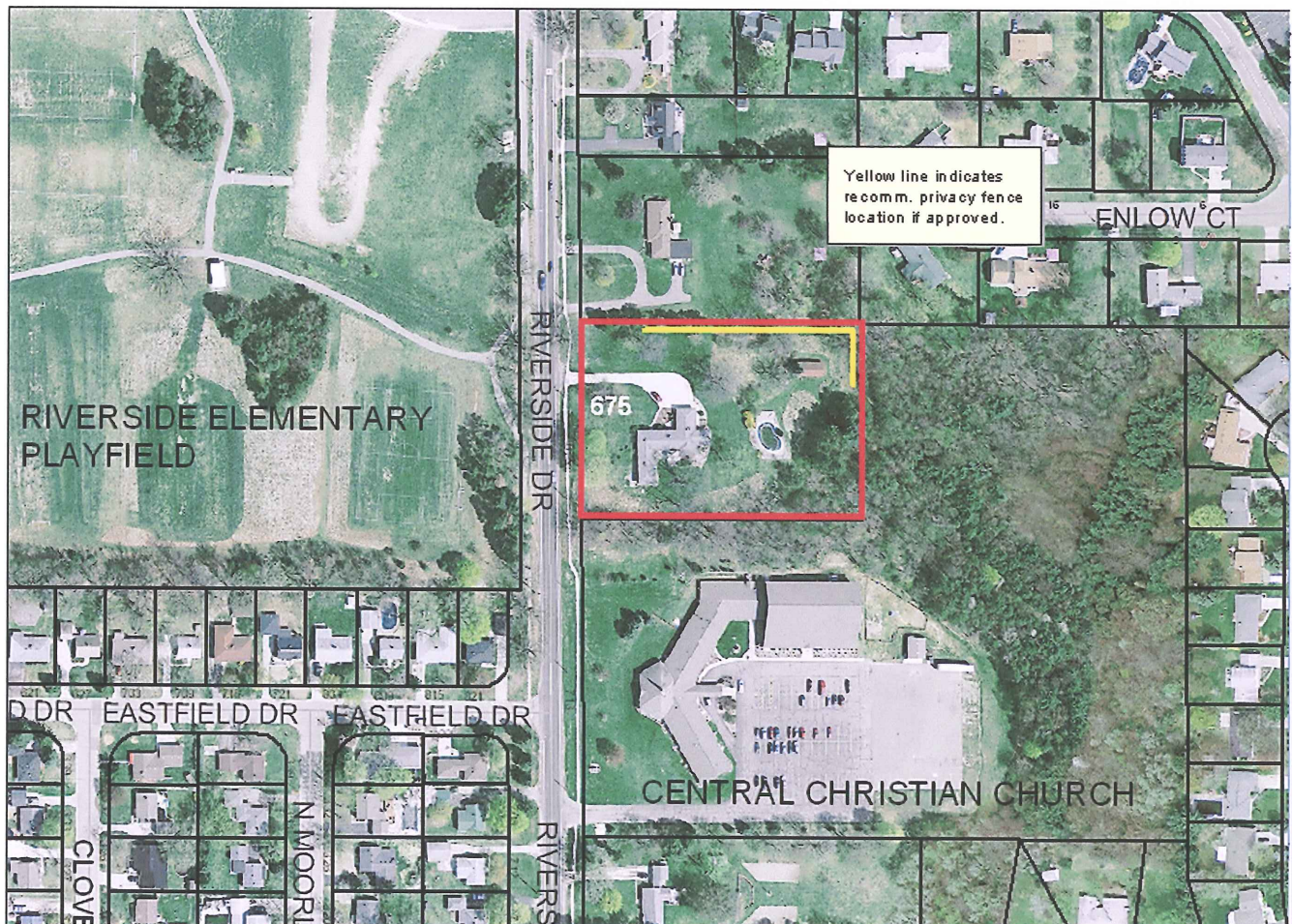
Background/Property Information

The subject site is located at 675 Riverside Drive, located .38 miles south of Golden Avenue on the east side of Riverside Drive; the location is indicated on the aerial photo on page two of this report. The property has 267' of frontage along Riverside, and is 438' deep. There is currently one single family residential dwelling unit on the property that is currently occupied by the petitioners; this is consistent with the zoning of "R-1B Single Family Residential". The property is centrally located in

this zoning district that is generally bordered by Columbia Avenue at the north, I-94 to the south, M-66 to the east, and Helmer Road to the west.

There is no specific purpose outlined in the zoning ordinance for this district, nor the R1A or R1C Single Family Residential districts, but these districts traditionally serve single family residential needs by allowing one single residential dwelling unit on each property along with incidental residential uses including home occupations and adult/child foster care of six or fewer persons. Other permitted uses in this district include public schools and golf courses.

SITE LOCATION MAP



Surrounding land uses include:

North – Residential

South – Central Christian Church

West – Riverside Elementary playfield

East – Undeveloped (owned by Central Christian Church)

Applicable Zoning Ordinance Provisions

The subject of this Special Use Permit application is a request to allow a funeral home/chapel which is not expressly permitted in the R-1B district; however, they are permitted in any district subject to the

approval of a Special Use Permit (SUP) pursuant to Chapter 1290 of the Battle Creek Code of Ordinances.

In addition to the permitted uses in each zoning district, Chapter 1290 Special Uses and Land Development identifies thirty specific uses that may be allowed by special use permit subject to Planning Commission and City Commission review and approval. These uses may be necessary or desirable because of their unusual characteristics or the service they provide to the public, but require further review and consideration as to their proposed location and operation.

Specifically, Section 1290.01 (b) (23) allows the consideration of the funeral home request according to the following provision:

“Funeral homes, including a chapel and one residential unit for the funeral director or caretaker, when located on a major street as shown on the Major Streets Plan and on a lot or parcel of not less than one acre.”

The subject property meets these requirements in that Riverside Drive is identified as a major street, and the property is 2.38 acres in size.

For reference, funeral homes are permitted by right in the following zoning districts: O-1 Office, C-1 Neighborhood Commercial, C-2 General Business, C-3 Intensive Business, C-4 Central Business District, and the I-1 Light Industrial.

Proposed Scope of Project

The petition seeks a special use permit in order to construct and operate a 3,200 s.f. funeral home/chapel building that would accommodate a total of 65 guests. The funeral home would provide typical services associated with funeral homes, including body preparation and sanitization, funeral services, and memorials. This building would be an additional building, separate from the residential dwelling on the property.

The attached site plan indicates a new 22-space parking lot located at the north end of the property, between the proposed building and Riverside Drive. Please note that the petitioner has stated that she will be changing the location of the parking lot so that it will be located in the rear yard, east of the existing house, and therefore, the parking will not be visible from Riverside Drive as to not change the appearance of the neighborhood. She will be submitting this revision in writing and it will be made available to the Commissioners at the meeting.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice listing the date, time, and subject of a public hearing shall be advertised no less than fifteen days prior to the hearing, and also mailed to all property owners and occupants of parcels within 300 feet of the subject parcel. Therefore, an advertisement of this public hearing was published in the Battle Creek SHOPPER NEWS on Thursday, January 7, 2010, and notices of the public hearing were also sent by regular mail on January 7, 2010 to twelve (12) property owners and occupants of properties located within 300 feet of the subject parcel.

Neighborhood Outreach

The petitioner met with the Minges Brook/Riverside Neighborhood Planning Council (NPC #11) at their September 23, 2009 meeting, and again at their October 28, 2009 meeting. The NCP Chairman has supplied a letter stating that the NPC did not support the request; this letter and the meeting minutes from the two meetings are attached to this packet.

Basis For Determination

As a special use, Section 1290.02 authorizes the Planning Commission to review each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allows the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

In consideration of a Special Use Permit the Planning Commission and the City Commission shall establish, beyond a reasonable doubt, that the general standards specified in the following shall be satisfied by the completion and operation of a proposed development:

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.



**View looking south on Riverside
from subject property driveway.**



**View looking north on Riverside
from subject property driveway.**



Analysis

As background, the former Planning Director had stated in a previous staff report that the amendment to the Planning and Zoning Code that accommodated the addition of funeral homes as a special use took place in 1986. This amendment was initiated based on the opinion that funeral homes can comfortably fit into any zoning district, even single family residential, as they are relatively low-intensity uses which require a high standard of maintenance. He cited a good example of a funeral home in a residential neighborhood as the Bachman-Hebble Funeral Home, located on N. Bedford Road in Urbandale.

Funeral establishments require a license through the State of Michigan, and are subject to various State laws concerning their management and operation, including waste disposal. Additionally, each licensed funeral establishment is required to have a manager who is employed by the establishment on a full time basis and available for funeral related purposes at all times. This manager is required be a mortuary science licensee which requires extensive training and education. The petitioner has a Mortuary Science license from the State of Michigan and will continue to occupy the residential structure on the property.

For reference, a similar request was reviewed and approved by both the Planning Commission and City Commission in 1999 and again in 2004. A Special Use Permit was approved for the Royal Funeral Home to locate into a vacant church building at 601 Riverside, located .4 miles to the north of the subject parcel; both of these special use permits have expired, and a church has since located in this

building. Understandably, there are a few different factors from the request at hand, namely the Royal Funeral Home request was approved for an existing vacant building.

The Zoning code requires one parking space for every four seats in the chapel. As the capacity for the structure is 65 persons, the site plan shows adequate parking. If approved, staff recommends that the location of the parking lot be a condition of approval, as listed below under "Recommendation". If the special use permit is approved, the petitioner would be required to proceed with site plan approval to ensure that all other site regulations are met, including but not limited stormwater drainage, setbacks, buffering, and site lighting.

Staff has reviewed the petition, the subject property, and the surrounding properties, and finds that there will be little impact on neighboring properties. The property to the south is owned and operated by the church, and therefore has the customary traffic associated with that use; the property to the east is also owned by the church but is an undeveloped woodlot which will provide visual buffering for the residential properties to the east; the property to the west is a playfield for Riverside Elementary School. The property to the north is a single family residential property that is currently for sale. There is an existing tree line along the property; while most of the property is fairly well buffered with existing vegetation, the Planning Commission could discuss the potential for fencing along the north and north- east property line. To this end, a recommendation of approval includes a requirement for opaque fencing as listed in #2 below.



Facing east from back of house on subject parcel.



Facing southeast from back of house on subject parcel.





Facing north toward neighboring residential property.



Facing northeast, back yard of neighboring residential property.



**Facing northwest,
Riverside Elementary Playfield**



Facing west, Riverside Elementary Playfield.



Recommendation

Planning staff recommends that the Planning Commission recommend approval of Special Use Permit Petition S-01-10 to the City Commission with the following conditions as the request, along with the stated conditions, meets the general standards listed in Chapter 1290.04 as outlined in this staff report.

The Planning Commission may, after the public hearing and deliberation, consider adding any other conditions as appropriate, or may upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Conditions of Approval

Project Specific Conditions

1. All necessary approvals and any required permits shall be obtained from the appropriate agencies, including but not limited to the Department of Public Works and Inspections Department, prior to Certificate of Occupancy.

Administrative Conditions:

2. Pursuit to Chapter 1290.04(b) the parking lot for the facility shall be located in the rear yard of the property, that located beyond the rear building line of the principal residential structure, and an opaque fence be shall constructed along the side and rear yards of the north property line as well as the northeast property line (see aerial photo on page 2).
3. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with this Zoning Code.
4. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.

The recommendation of the Planning Commission relative to this request will be placed upon the February 16, 2010 City Commission agenda for their review and determination.

Attachments

The following information is attached and made part of this Staff Report.

1. Special Use Permit Petition and Site Plan (Petition #S-01-10)
2. Correspondence from NPC #11 relative to the project

PETITION FOR A SPECIAL USE PERMIT



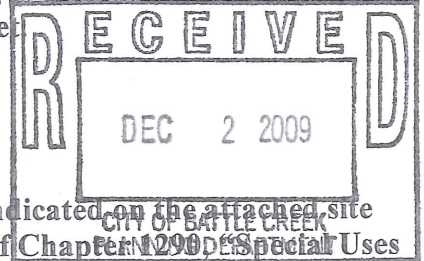
City of Battle Creek, Michigan

Department of Planning and Community Development

Petition No. S-01-10

Please read instruction on reverse before completing this form.

If additional space is required, attach a separate sheet.



The City Commission of the City of Battle Creek, Michigan

Honorable Mayor and City Commissioners:

I / We, the undersigned owner(s) of the property described below and indicated on the attached site plan, do hereby petition for a Special Use Permit under the provisions of Chapter 129 of the City of Battle Creek, Michigan, "Special Uses and Land Development", of the Planning and Zoning Code of the City of Battle Creek, to permit this property to be used exclusively as indicated below.

Legal Description of Property: SEC 24 T2S R8W BEG AT PT ON N & S 1/4 LI DIST S
00 DEG 34 MIN 30 SEC W LYING S 627.06 FT FROM N 1/4 POST-S89 DEG 45 MIN 31 SEC
438.37 FT-S00 DEG 34 MIN 30 SEC E 267 FT-N89 DEG 45 MIN 31 SEC W 438.37 FT-N
00 DEG 34 MIN 30 SEC W 267 FT ALG N & S 1/4 LI TO POB, CONT 2.69 ACRES, SUBJ TO
HWY EASE OVER W 50 FT (675 RIVERSIDE DR. PARCEL# 0074-00-110-0)

Present Use of Property:

SINGLE FAMILY HOME R1B

Proposed Use of Property:

TO CONSTRUCT A 3200 SQFT FUNERAL HOME ON OUR PROPERTY. WE WILL OFFER
A COMPLETE RANGE OF PROFESSIONAL SERVICES IN A TASTEFULLY DECORATED SERENE SURROUNDINGS.
Reasons why petitioner feels that a Special Use Permit should be granted:

SEE ATTACHMENT A

Present Zoning Classification: RESIDENTIAL (R1B) District. 1338
Property Owner(s) ☒ or Agent ☐ (Check one)

Name BRIAN F. COTTON

Address 675 RIVERSIDE DRIVE

Telephone (269) 282-1276 Fax

Signature Brian F. Cotton

Name SHERILL F. COTTON

Address 675 RIVERSIDE DRIVE

Telephone (269) 209-1688 Fax

Signature Sherill F. Cotton

FOR OFFICE USE ONLY

Date Petition Received: 12-2-09
Petition Fee Received: \$600.00
Received By: Lema PARRISH

Planning Commission Recommendation:
Approve ☐ Deny ☐ Date
City Commission Action:
Approve ☐ Deny ☐ Date
Resolution No.

ATTACHMENT A

A special use permit should be granted to allow Sherrill Smith Cotton Memorial Chapel, to operate a Funeral Service. The Funeral facilities are designed to accommodate funerals of 65 guests or fewer. Families planning larger funeral services would be required to have their services at a church of their choice, and/or at Emmanuel Covenant Church, on 585 Hubbard Street.

Central Christian Church, is located next door to our home. I spoke with the Pastor, Minister Gordon Pippin, he is in favor of our plans to build a small Funeral Service on our property. He offered the use of the church's chapel to help accommodate our larger services.

In September I attended a meeting at the Minges Brook/Riverside Neighborhood Planning Council. I presented our proposal, and after extensive dialogue, the Planning Council agreed to table the discussion and invited me back on the following month. In October I returned with information requested by the Minges Brook/Riverside NPC regarding how we plan to handle the waste and biohazard materials. The Minges Brook/Riverside NPC did not vote in favor of our proposal.

We believe a Funeral Service on Riverside would be a viable option for the City of Battle Creek. Our communities are wonderfully diverse in religious beliefs, cultures, and ethnic backgrounds. We appreciate, respect, and understand the special needs of all whom we will serve. Our property is located directly across the street from the Riverside Elementary School's Soccer fields. As a community leader in funeral service, it would be an honor to embrace the Riverside Elementary School by participating in fundraisers, mentoring, sponsorships, and/or by promoting a healthy and active lifestyle.

Honorable Mayor and City Commissioners, I have been licensed to practice Mortuary Science for the State of Michigan for thirteen years. As a lifelong resident of Battle Creek, my highest honor would be to fulfill my "mission of service" to families during the most difficult time in their lives.

Sherrill F. Cotton
(269) 209-1688



NPC 11 does not support the request for a special use permit to allow a funeral/chapel to be operated at 675 Riverside Drive

randall_champlin to: cmhilton

01/02/2010 09:56 PM

Cc: "Glenn and Marcia Holmwall", "Marge/Rudy Barda", "Jim Haadsma",
"Susan Bedsole", andrewrsarah, elizabethfulton, "Susan Baldwin",
"CHAMPLIN, RANDALL \\\(ATTOPS\\)"

History: This message has been replied to.

2 attachments



Minutes 10-28-09 NPC.doc NPC Minutes 9-23-09.doc

> To Christine M. Hilton
> Supervisor, Planning Department
>
> Dear Ms Hilton,
>
> This note is to ensure that the Planning Commission is aware that NPC 11
> does not support the request of Sherrill Cotton for a special use permit
> to allow a funeral home / chapel to be operated at 675 Riverside Drive.
>
> NPC11 was made aware by Ms Cotton of her plans at our September 23rd
> meeting. The plans were discussed further with Ms Cotton at our October
> 28th meeting. A motion was made, and passed, at the October meeting to
> not support the request.
>
> Details of the discussion and vote are in the September and October
> minutes of NPC 11.
>
Best regards,

> Randall Champlin
> NPC 11 Chair
>
>

MINUTES

Minges-Brook/Riverside Neighborhood Planning Council (NPC) #11

Riverside School Library

Wednesday, September 23, 2009

1. **7:00 PM – Welcome and opening:** Randall called the meeting to order at 7:00 pm
2. **Attendance sheet:** Randall Champlin, Marge Barda, Rudy Barda, Anne Wyson, Jim Baldwin, Glenn Holmwall, Marcia Holmwall, Dave Hawks, John Godfrey, Wendy Rominger, Jim Haadsma, George Vallilee, Bev Vallilee, Jan Barry, Lori Hopkins. Visitors: Michael Quinn, Bryan Willey, Dizzy Warren, Soila Brown, Sherrill Cotton.
3. **Additions or deletions to this agenda** None
4. **Approval of the previous meeting's minutes:** The minutes were approved by the council. Holmwall/Godfrey
5. **Correspondence received:** Randall reviewed the correspondence.
 - Thank You Note from Bob & Gayle Emerson for a Beautiful Battle Creek Award
 - Westlake / Prairieview NPC April Agenda and Minutes
 - May Historic District Commission Meeting Agenda.
 - E-Mail from Chris Dopp Battle Creek engineer. Tentative timeline for Riverside Drive: Riverside Drive opens after I-94 bridge work is complete in late November 2009. Riverside will close again in April 2010 for a couple months to replace the section of Riverside Dr. (Beckley Rd. to Shortridge) and place the rest of the new sidewalk along the same stretch of roadway on the east side.
 - E-Mail from Mary Green with KCC Lifelong Learning Program – she will present in December
 - E-Mail Eric Greene, Battle Creek Enquirer, Managing Editor regarding City Commission Candidate Forums he will do a forum with candidates in October meeting
6. **City staff reports**
 - Police Department Report – Officer's report – no representative
 - City Representative: Marcie Gillette –no representative
 - City / County Commissioners' Comments – John Godfrey reported on a couple of issues that have taken place since May meeting. Y-Center and Full Blast concept is moving forward: Y-Center will occupy Full Blast and the City will take over the sports complex behind the Y-Center. The Battle Creek Revolution hockey team and the City are working together to see if Revolution can purchase The Rink and run it as a private venture. Downtown transformation: Kellogg Company has purchased one of the downtown buildings and will use it as an office building and occupy the entire Fifth Third Bank Building and a few additional spaces in the Tower building across the street (Hinman Building). The plan is to bring the approximate 600 employees at Porter Street into the downtown. Consolidated Dispatch Center, which will be in Marshall, had bids coming in \$200,000 under budget. City budget will be extremely tough next year. One smaller plant in Battle Creek is temporarily closing their company, but may return. United Solar Ovonic plant in Battle Creek has mothballed their plant for the time being, primarily due to the economy. Next month is John's last meeting to report as a City Commissioner and he expressed the honor it is to represent Ward 4. The council thanked him with a round of applause.

Jim Haadsma gave a County report. Jim handed out a card with his email on it and what the latest activities are and will be: coordinating casino revenue sharing, working with Water Resources Commissioner to resolve county drainage problems, emphasizing more efficient delivery of local government consolidated services, moving ahead with Calhoun County consolidated 911 emergency dispatch center, regularly monitoring the county budget, aiding new business investment through county-wide online GIS mapping database.

7. Committee reports

- Beautiful Battle Creek Award – Ann Wyson; Anne reported the Awards for June Heather Pasche, 16 Lynwood Drive; For July – no one; For August Robert Emerson 345 North Ridgeway Drive; For September Chyrell and Gary Nawatny 204 South Minges Road.
- Membership – Wendy Rominger; Jim Baldwin is a new member. There is an interest by others.
- CDAC Update – Wendy Rominger The first quarter of CDAC fiscal year is due end of October and we will receive that information at the next meeting, along with an Annual Report.
- Neighborhoods and Land Use – Frank Eglund Frank is absent and there were no updates.
- Schools – Vacant Chairperson – District Community Dinner is October 3rd at the High School.
- NPC 11 Programs - James Haadsma – no additional programs at this time.

8. Old business from previous meetings: No business entered.

- 9. New business Special Use Permit request for 675 Riverside Dr. :** Shyrelle Cotton would like NPC 11 endorsement of a request to operate a funeral home at this location.

Shyrelle Cotton explained her request for a special use permit. She gave us a background of her education and that she lives in a home at 675 Riverside, next to Central Christian Church, across from Riverside Drive. She would like to have a small chapel/funeral home (to hold 85 as a maximum) built on her property with 20 parking places. One of the rooms in her home might be used as a consultation room. Visitations will be held in the chapel. She has spoken with one of her neighbors. The name of the chapel/funeral home would be Shyrelle Smith Cotton Memorial Chapel. Motion made to approve special use permit. Holmwall/ Wyson

Discussion: concerns expressed: the distance from Columbia Avenue; the amount of traffic this business would generate; special business represents commercial creep in a residential area; the timing of the visitations; traffic congestion at that part of Riverside Drive (soccer and school); possibility of illumination in the evening; bio-medical disposal; noise level. Special use permit has not been applied for as of this evening, but will be applied for soon. Motion defeated.

Jim Haadsma made a motion to review the special use permit again with more detail provided on the issues raised in the concern area listed above with meeting to start at 6:30 pm. Anne Wyson seconded. Discussion. An amended motion was made to meet at Minges Elementary at 6:00 pm. Haadsma/ Wyson No discussion. Motion passed. Suggestion made to invite a member from the Planning Department to the October meeting.

This month's program: Dizzy Warren, a Partnership Specialist of the U.S. Census Bureau. Warren will discuss the mechanics of the 2010 Census; the effort undertaken by the Census Bureau to make a complete count; and the importance to south-central Michigan, in the context of political representation. Census data also affect the allocation of federal and state funding, of a complete count of all Calhoun County residents.

Dizzy spoke to the importance of the Census and its affect on residents. She and her assistant shared information for all to review.

10. Public comments - None

11. Members' comments – George commented that Bobbi Wilson has not been able to make the meetings, but wants to consider to be active and will be returning to the meetings. Lori Hopkins mentioned that on Friday, September 25, at 2:00 pm at the McCamly Hotel there will be an important meeting regarding the International Korean Martial Arts and the hope it would come here next year.

12. Next meeting: Wednesday, October 28, 2009 - 6:00PM, **Minges Brook Elementary Gym / Library**

(Riverside gym was not available)

Program Topic: Candidate Forum moderated by the Battle Creek Enquirer

Ward 4 Candidates: Chuck Asher and Elizabeth Fulton

Ward 5 Candidates: Sheri Schmidt and Andy Yankama

13. 8:46 PM – Thanks to all – Randall adjourned the meeting.

Minutes

Minges Brook/Riverside Neighborhood Planning Council (NPC)

#11

Minges Brook Elementary School Library
435 Lincoln Hills Drive, Battle Creek , MI 49015

Wednesday, October 28th, 2009

1. **6:00 PM – Welcome and opening:** Jim Haadsma, Vice Chair, called the meeting to order at 6:00 pm.

2. **Attendance sheet:** Jim Haadsma, Marcia Holmwall, Glenn Holmwall, Marge Barda, Rudy Barda, Dave Hawks, Rick Baron, Mark Barry, Jan Barry, John Godfrey, Susan Baldwin, George Vallillee, Bev Vallillee, Wendy Rominger. Guests: George Guerin, Marijke Guerin, Sherrill Cotton, Jim Baldwin, Lindy Kurti, Jack Biddlecome, Seve Bessonny, Mark Barry, Judy M. Lenaar. Randall Champlin was traveling and excused.

3. **Additions or deletions to this agenda** Glenn Holmwall, Marcia Holmwall moved/supported the agenda: Approved

4. **Approval of the previous meeting's minutes** John Godfrey, Glenn Hollmwall moved /supported the previous meeting's minutes. Approved

5. **Correspondence received:**

- **Zoning Board of Appeals meeting Tuesday, Oct, 13, 2009, 4:00PM Room 301**
- **Historic District Commission Meeting, Monday Oct 12, 2009 4:00PM at 77 E. Michigan, Commerce Pointe Bldg, Chamber Board Room.**
- **Country Club Hills Association Fall Gathering Sunday Oct 11 at 2:00 at the pavilion at Minges Brook School** Mark Barry reported that 25 people met and discussed some beautification projects to undertake in Country Club Hills and discussed a Neighborhood Watch Program.
- **Jim and Lori Hopkins** were unable to attend the meeting but provided the following input regarding the request for a special use permit under new business. Reviewing the City Comprehensive Plan, I believe supporting a variance for a Funeral Home at this location, would not be consistent with the Future Land Use Plan, for Residential Neighborhoods, in Battle Creek. I would also like to point out that this is simply does not appear characteristic of any present land use as zoned or future "mixed uses" as outlined in the Comprehensive Plan. Considering Bio-hazards, Traffic issues - especially during school arrival and departure hours and the location of Riverside Elementary School and Park as well as the existing "residential zoning" in proximity to this proposed business, while we are very much pro economic development for the City, we cannot give our support, for a special use permit, for this proposed business, at this proposed location.

6. **City staff reports (will be omitted for abbreviated meeting)**

John Godfrey shared the need to vote at the November election. Need for the state legislature to get on target with the state budget. City officials are awaiting the upcoming election outcome to determine their further activities. Susan Baldwin reported that the Kellogg Company is considering moving into the Fifth Third building. There is also the development of the food institute in downtown Battle Creek (Covants ?). This provides a great opportunity for Battle Creek to increase its presence in the food industry. John shared that one of the owners of the Comerica Building/Heritage Tower discovered that improvements that were to be done were not done and thus the owner has established a new building manager and that these improvements will be completed. Fifth floor and above have been condemned but the hope is that these will also be renovated. The dome room will continue to be used, as well as the lower floors.

7. Committee reports (will be omitted for abbreviated meeting)

David and Theresa Downey of 612 Hamilton Lane received the Beautiful Battle Creek Award.

Wendy Rominger reported one new member. CDBG meetings will start again the beginning of November.

The Community Dinner held in October from the Lakeview Schools focused on Healthy Lifestyles. It was very well attended and the entire team of Healthy Lifestyles each made presentations. This was reported by Jim Baldwin.

8. Old business from previous meetings:

Reconsider special use permit request for 675 Riverside Dr.

: Sherrill Cotton would like NPC 11 endorsement of a request to operate a funeral home at this location just north of Central Christian Church on Riverside Drive

At 6:30 pm the discussion took place regarding the request for a funeral chapel at 675 Riverside Drive. Ms. Cotton reported on various concerns/questions from last month's meeting and said there will no bells or loud noises, there will be outdoor lights; and the waste products will be removed by the waste companies with proper coding and coloring of containers for the wastes; spoke with area residents and received no objections from a funeral home/chapel. The pastor next door at Central Christian expressed no concern.

General questions: John Godfrey questioned the illumination of the chapel. Will there be lights over the parking area? *Only while in use.* What means have been planned to keep the lighting from the residence on the North? *Lights would be aimed away from the neighbors.* Where will the bio-medical containers be stored? *At the facility and the containers will be picked up once a month. Containers will be stored inside until pickup.* Will there be funeral processions? *Most large funerals will be at a church.* How large might a sign be representing the funeral home? *Signage will be complied with as by the city laws.* Comment by a member was made of his discomfort expressed of the positioning of a commercial business in a residential area. Is the funeral home related to a church or is it for business for profit? Ms. Cotton advised that her funeral home was for profit and a business. Will the present building be used or will it there be a new building? *A building will be added.*

Glenn Holmwall reminded the council about the Riverside and Golden Avenue church being used as a funeral home. Comment made that that was a church, not a residential property originally.

Motion made for NPC 11 to support the special use permit to be made by Ms. Cotton to the planning commission so that a funeral/chapel might be built at 675 Riverside Drive. No support. Motion ended.

Motion made and supported by Wendy Rominger/ Dave Hawks that the NPC 11 not support the request of Sherrill Cotton for a funeral/chapel be built at 675 Riverside Drive.

Motion passed The NPC 11 will recommend against a chapel at 675 Riverside Drive to the Planning Commission. Commissioner Baldwin abstained from the vote. Ms. Cotton thanked the council for their time.

Steve Bessonny is running for city commissioner at large and he expressed his platform.

9. New business

10. Public comments -

11. Members' comments -

**12. Next meeting: Combined November/December Holiday Meeting.
Wednesday December 2nd, 2009 -7:00PM, Riverside
Elementary Library; refreshments will be provided by
members**

**Program Topic: Mary Green with Kellogg Community
College Lifelong Learning program and Laura DePompolo,
the Director of the Regional Manufacturing Technology
Center**

**13. 6:50 PM – Adjournment to Minges Brook Gym for 7:00 PM Candidate
Forum Godfrey/Holmwall moved and supported that the meeting be adjourned.**

**Program Topic .Candidate Forum moderated by the
Battle Creek Enquirer.
Ward 4 Candidates: Chuck Asher and Elizabeth Fulton
Ward 5 Candidates: Sheri Schmidt and Commissioner
Andy Yankama**

